

REMARKS

In the Office Action, claims 18-12, 14-16, 19-26, and 29-31 were rejected. Claims 13, 17, and 27 were objected to and claims 2 and 3 were allowed. In this Response, Applicants have amended claims 8, 16, 19, 20, 21, and 23 and canceled claims 10-13, 18, 22, 24-27, and 31. Upon entry of the amendments, claims 2, 3, 8, 9, 14-16, 19-21 and 28-30 will remain pending. Reconsideration and allowance of all pending claims are requested in light of the above amendments and the following remarks.

Claim Objections

Claims 13, 17, and 27 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in an independent form including all of the limitations of the base claim and the intervening claims.

Claim Amendments

Claims 8 and 21 have been amended to include a phosphor composition where D is a combination of Y and Gd, and A is a combination of Al, Sc, and Ga. Claims 16 and 20 have been amended to include the x range from 0.001 to about 0.3. Claim 19 is amended to change its dependency 16, and claim 23 is amended to depend on claim 21.

Rejections Under 35 U.S.C. § 112

Claims 16 and 20 were rejected, as the specification was said to fail in enabling these claims. Applicants note that in the formulation of the rejection of the claims, the Examiner stated “[t]his teaching that the phosphor process comprises a material having the formula of $(D_{1-x}Eu_x)A_3B_4O_{12}$ is a new matter. The specification teaches the phosphor produced by the claimed process has the formula $(D_{1-x}Eu_x)A_3B_4O_{12}$.” Applicants are willing to consider a claim amendment, but do not understand the rejection. The Examiner is requested to review the rejection (the formulations appear to be identical) and to resolve this issue by way of telephonic discussion.

Claims 16, 20, and 21 were rejected as x was not defined. Applicants thank the Examiner for pointing out this deficiency. Claims 16, 20 and 21 are amended to include the range of x.

Double patenting

Claims 8-12, 14, 15, 21-26, and 28-31 were rejected under doctrine of obviousness double patenting over copending application No. 10/317,423. Claims 10-12, 22, 24-26, and 31 are canceled and hence the double patenting rejection is obviated. Claim 8 has been amended to include the allowable subject matter of claim 13, which has no double patenting rejection. Therefore, Applicants submit that amended claim 8 and its dependent claims 9, 14, and 15 are allowable. Similarly, claim 21 has been amended to include the allowable subject matter of claim 27, which has no double patenting rejection. Therefore, the amended claim 21 and its dependent claims 22, 23, 28, 29, and 30 are allowable.

Rejections Under 35 U.S.C. § 103

Claims 8-12, and 21-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over J.P. 2000-290648 and over U.S. patent No. 6,676,853 (Kyota Ueda). For a *prima facia* case of obviousness, the Examiner must set forth the differences in the claim over the applied reference, set forth the proposed modifications of the reference, which would be necessary to arrive at the claimed subject matter, and explain why the proposed modification would be obvious.

Applicants respectfully traverse these rejections. Amended claims 8 and 21 and the claims depending there from are believed to be patentable for the reasons summarized below.

Claim 8 has been amended to include the allowable subject matter from claim 13. The amended claim recites a phosphor composition including a material having a formula

of $(D_{1-x}Eu_x)A_3B_4O_{12}$; wherein D is a combination of Y and Gd, and A is a combination of Al, Sc, and Ga. Kyota Ueda discloses phosphors of the kind $Gd_{1-a}(Eu/Tb)_aAlO_3$ and $Gd_{1-a}(Eu/Tb)_aAl(BO_3)_4$. J.P. 2000-290648 discloses phosphor compositions of the kind $(Gd_{x-a}Y_yLa_2Al_{4-x-y-z-2})B_4O_{12}$. The cited references do not disclose or suggest a phosphor composition including a material having a formula of $(D_{1-x}Eu_x)A_3B_4O_{12}$; wherein D is a combination of Y and Gd, and A is a combination of Al, Sc, and Ga. Therefore, the cited references do not render obvious the phosphor composition of the amended claim 8. Applicants submit that amended claim 8 and its dependent claim 9 are patentable over the cited references.

Similarly, claim 21 has been amended to include the allowable subject matter from claim 27. The amended claim recites a light source comprising a phosphor composition including a material having a formula of $(D_{1-x}Eu_x)A_3B_4O_{12}$; wherein D is a combination of yttrium and gadolinium; A is a combination of aluminum, scandium, and gallium. The cited references do not disclose or suggest a light source comprising a phosphor composition including a material having a formula of $(D_{1-x}Eu_x)A_3B_4O_{12}$; wherein D is a combination of yttrium and gadolinium; and A is a combination of aluminum, scandium, and gallium. Therefore, Applicants submit that amended claim 21 and its dependent claims 23, 28, 29, and 30 are in condition for allowance. Favorable reconsideration is requested.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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